

SK:MRG
F. #2020R00321

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against -

LAFAYETTE MORRISON,

Defendant.

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TO BE FILED UNDER SEAL

**AFFIDAVIT AND COMPLAINT IN
SUPPORT OF AN APPLICATION FOR
ARREST WARRANT**

(18 U.S.C. §§ 1951(a) and 2)

20-MJ-438

EASTERN DISTRICT OF NEW YORK, SS:

STEVEN SAINT HILAIRE, being duly sworn, deposes and states that he is a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), duly appointed according to law and acting as such.

On or about March 7, 2020, within the Eastern District of New York, the defendant LAFAYETTE MORRISON, together with others, did knowingly and intentionally attempt to obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of United States currency from the Aqueduct Racetrack in South Ozone Park, Queens, New York (the “Aqueduct Racetrack”).

(Title 18, United States Code, Sections 1951(a) and 2)

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Task Force Officer with the ATF and have been since 2015. I am also a Detective in the New York City Police Department ("NYPD") and have been since 2011; before becoming a Detective, I had been a police officer in the NYPD since 2003. I am currently assigned to the ATF/NYPD Joint Robbery Task Force. I have been involved in the investigations of numerous cases involving Hobbs Act robberies and related firearms offenses. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the investigative file, and from reports of other law enforcement officers involved in the investigation.

Robbery at the Aqueduct Racetrack

2. On March 7, 2020, following the Gotham Day races, one of the busiest and most lucrative days of the year at the Aqueduct Racetrack, Lamel Miller and another individual ("Co-Conspirator-1"), held up at gunpoint and robbed three individuals: security guard LAFAYETTE MORRISON and two clerks (collectively, the "Aqueduct Employees") who were transporting more than \$280,000 in cash earnings to a vault in the offices of the Aqueduct Racetrack.² The defendant LAFAYETTE MORRISON posed as a victim of the

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

² Miller has been charged in a separate complaint which was unsealed today. See United States v. Lamel Miller, 20-MJ-400.

robbery when, in fact, he used his position of trust as an Aqueduct Racetrack security guard to operate as an “inside man” with his longtime associate Miller and execute the robbery.

3. Specifically, Miller and Co-Conspirator-1 were captured by Aqueduct Racetrack surveillance video entering the Aqueduct Racetrack office area, with their faces exposed, at approximately 9:15 p.m. on March 7, 2020. According to the Aqueduct Employees, at approximately 9:45 p.m., the Aqueduct Employees had finished their cash collections from various pickup points and were transporting more than \$280,000 in Aqueduct Racetrack cash proceeds to a vault in the Aqueduct Racetrack office. The Aqueduct Employees were walking across a catwalk in between the first and second floors, headed to an elevator that would take them to a vault, when Miller and Co-Conspirator-1 emerged from a stairwell, each wearing a surgical mask and each pointing a gun at the Aqueduct Employees.

4. According to the Aqueduct Employees, Miller and Co-Conspirator-1 took the Aqueduct Employees’ cell phones along with the more than \$280,000 in cash that the Aqueduct Employees were transporting, and forced the Aqueduct Employees into a closet. Miller and Co-Conspirator-1 directed the Aqueduct Employees to count to 1,000 before they could leave the closet.

5. After Miller and Co-Conspirator-1 had left the closet, one of the clerks attempted to look outside of the closet at the robbers, but security guard MORRISON told the clerk not to do so.

6. Aqueduct Racetrack surveillance video shows Miller and Co-Conspirator-1 wearing surgical masks and carrying a garbage bag and duffel bag, both of which appeared to

be full, when they exited the Aqueduct Racetrack office towards the parking lot at approximately 10:05 p.m.

7. On May 29, 2020, the Honorable Peggy Kuo signed a sealed arrest warrant for Miller's arrest. On June 15, 2020, law enforcement arrested Miller, and the separate complaint charging him was unsealed today. See United States v. Lamel Miller, 20-MJ-400.

8. Based on my training and experience, discussions with individuals at the Aqueduct Racetrack, and for the reasons described below, I believe that MORRISON conspired with Miller and Co-Conspirator-1 and provided Miller and Co-Conspirator-1 with information in advance of the robbery regarding where and when the money would be transported to a chokepoint on the way to the vault, and near an optimal hiding place for the robbers.

Evidence of Miller at the Aqueduct Racetrack on the Night of the Robbery

9. I have reviewed surveillance video collected from the Aqueduct Racetrack (pictured below, left) and I have reviewed photographs of Miller in the possession of the NYPD (pictured below, right). As pictured below, one of the robbers captured on the Aqueduct Racetrack's surveillance video has a physical appearance consistent with the photographs of Miller that I have reviewed.



10. I have reviewed historical cell-site records which further demonstrate that, as described below, a burner phone used by Miller was at the Aqueduct Racetrack at and around the time of the robbery.

Burner Phones Purchased and Used in Connection with the Robbery

11. Based upon a review of records provided by MetroPCS and an interview of a MetroPCS employee, I learned that one day before the above-described robbery, on March 6, 2020, at approximately 4:20 p.m., an individual entered the MetroPCS location at 13424 Guy R. Brewer Boulevard, Queens, New York (the "MetroPCS Store"), and purchased two cellular telephones (the "Burner Phones").

12. According to MetroPCS records, the individual who purchased the Burner Phones provided the name “Alex Johnson” and a purported home address of 13414 Guy R. Brewer Boulevard, Queens, New York. According to the MetroPCS employee that sold the Burner Phones, the buyer provided the name Johnson after hearing another individual in the store say the name “Johnson.” The address provided by the buyer was, in fact, the address for a Chinese food restaurant located near the MetroPCS Store. The buyer paid for the Burner Phones with cash.

13. One of the Burner Phones was assigned call number 516-943-3288 (the “516 Burner Phone”); for the reasons described below, law enforcement later determined the 516 Burner Phone was used by MORRISON in connection with the robbery. After the robbery, an Aqueduct Racetrack employee found the 516 Burner Phone along with three other cellular telephones in a dumpster in the parking lot near where Miller and Co-Conspirator-1 exited the Aqueduct Racetrack office. In interviews following the robbery, each of the Aqueduct Employees—including MORRISON—stated that one of the cell phones belonged to him. Specifically, MORRISON said that the cellular telephone assigned call number 347-447-4233 (“MORRISON’s True Phone”) belonged to him. Each of the Aqueduct Employees—including MORRISON—denied owning the fourth cellular telephone, namely the 516 Burner Phone, which was purchased at the same time and by the same individual as the second burner phone described below.

14. The second of the Burner Phones was assigned call number 347-485-8591 and, for the reasons described below, was determined by law enforcement to have been used by Miller in connection with the robbery (the “347 Burner Phone”).

Miller's Use of the 347 Burner Phone in Connection with the Robbery

15. Historical cell-site records demonstrate that Miller's True Phone³ and the 347 Burner Phone hit on the same cell tower on the afternoon of March 7, 2020, the day of the robbery.

16. As noted above, the 347 Burner Phone hit on cell towers adjacent to the racetrack on or about the time of the robbery.

17. Phone records demonstrate that on March 6, 2020 and March 7, 2020, the day of the robbery, Miller made numerous calls using the 347 Burner Phone to: (a) a woman he previously identified as his wife; (b) another woman with whom he has had a relationship; and (c) a third woman who previously identified herself as his mother.

- a. Miller called the woman he identified as his wife following his arrest in 2017. Specifically, in December 2017, Miller was arrested for traffic violations and obstruction of governmental administration when he refused to comply with a traffic stop and slapped an NYPD Officer's hand. Following that arrest, Miller called a woman that he identified as his wife at call number 917-***-8263 (the "8263 Phone"). More recently, in February 2019, Miller was arrested on five counts of making terroristic threats and one count of obstructing governmental administration when he threatened an NYPD Lieutenant and four others who were trying to tow his vehicle by saying, "I'm going to get

³ On January 5, 2020, in an unrelated incident in which Miller was a witness, Miller placed a call to the NYPD using his true phone, a cellular telephone assigned call number 929-206-6179 ("Miller's True Phone").

something from my trunk and clear all you mother fuckers out.”

Following that 2019 arrest, Miller made a call to the same 8263 Phone.

Using the 347 Burner Phone, Miller made two calls to the 8263 Phone on or about the day of the robbery.

- b. Miller has long been associated with a woman who owns a cell phone with the call number 347-***-6043 (the “6043 Phone”). Following his February 2019 arrest, Miller made a call to the 6043 Phone. In July 2019, Miller was involved in a domestic violence incident with the woman who owns the 6043 Phone. Between December 2019 and March 2020, there were several hundred calls placed between Miller and the woman who owns the 6043 Phone. Using the 347 Burner Phone, Miller made six calls to the 6043 Phone on or about the day of the robbery.
- c. In 2012, a woman, who provided her name and identified herself as Miller’s parent, visited Miller while he was an inmate at Riker’s Island. Phone records show the phone number 631-***-8408 (the “8408 Phone”) belongs to the woman that identified herself as Miller’s parent. Using the 347 Burner Phone, Miller made twenty-two calls to the 8408 Phone, the phone number associated with his parent, on or about the day of the robbery.

MORRISON and Miller are Long-Time Associates

18. Based upon a review of NYPD records, as described below, Miller and MORRISON are long-time associates.

19. In January 2000, Miller and MORRISON were arrested for perpetrating a robbery together in Queens, New York.

20. Following Miller's 2017 arrest, as described above, in addition to the call Miller made to the woman he identified as his wife, Miller also called MORRISON's True Phone.

21. Following Miller's February 2019 arrest, as described above, in addition to the call Miller made to the woman Miller identified as his wife and to the woman who owns the 6043 Phone, Miller also called MORRISON's True Phone.

MORRISON's Use of the 516 Burner Phone in Connection with the Robbery

22. For the reasons described below, law enforcement determined that the 516 Burner Phone, which was purchased by one individual simultaneous to Miller's 347 Burner Phone and was later discovered in the dumpster alongside the Aqueduct Employees' cell phones, was in fact used by MORRISON in connection with the robbery.

23. I have reviewed historical cell-site records which demonstrate that the 516 Burner Phone was at the Aqueduct Racetrack on March 6, 2020, the night before the robbery at around 8:00 p.m. MORRISON was at the Aqueduct Racetrack at that time on March 6, 2020 as part of his regular work schedule. There was no event at the Aqueduct Racetrack at that time.

24. I have reviewed historical cell-site records which further demonstrate that on March 7, 2020, both the 516 Burner Phone and MORRISON's True Phone hit on the same cell tower located near MORRISON's residence early in the day, and the 516 Burner Phone later began to hit on a cell tower adjacent to Aqueduct Racetrack starting at approximately 4:00 p.m., around the same time MORRISON's security guard shift at the Aqueduct

Racetrack started. MORRISON's Burner Phone was located at the Aqueduct Racetrack all day, through the time of the robbery, which took place after 9:00 p.m., long after the Gotham Day races ended.

MORRISON's Communications with Miller

25. Telephone records show that in the days leading up to and on the day of the March 7, 2020 robbery at the Aqueduct Racetrack, MORRISON and Miller spoke numerous times. Specifically, between March 6, 2020 and March 7, 2020, there were approximately thirty-eight calls placed between MORRISON's True Phone and Miller's True Phone.

26. On the evening of March 6, 2020, cell phone records show that Miller's True Phone called the 516 Burner Phone, which, as described above, was in MORRISON's possession at the time.

27. On March 7, 2020, the night of the robbery, surveillance video and phone records demonstrate that MORRISON walked out of the Aqueduct Racetrack shortly before Miller and Co-Conspirator-1 entered at approximately 9:15 p.m, and using the 516 Burner Phone, MORRISON called Miller's 347 Burner Phone.

28. Based on the above, my training experience, and the hiding place and robbery locations selected by the robbers, there is probable cause to believe that MORRISON provided inside information to Miller and Co-Conspirator-1 regarding where and when the money would be transported.

MORRISON's Statements to Law Enforcement Regarding the Robbery

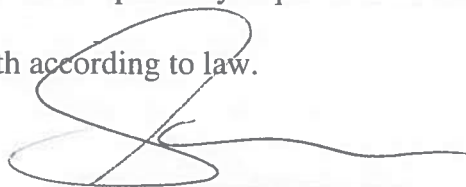
29. Shortly after the robbery, MORRISON was interviewed by law enforcement as a victim and witness to the robbery. When asked about his phone, MORRISON referenced only MORRISON's True Phone; he did not offer that he had used a phone with a

516 number, i.e., MORRISON's Burner Phone. MORRISON did not mention Miller's involvement in the robbery.⁴ As set forth above, MORRISON has known Miller for twenty years and frequently spoke with him shortly before the robbery.

30. On June 15, 2020, law enforcement showed MORRISON a photo array with six photographs, in which Miller's picture was marked #5. MORRISON said that he recognized individuals #4 and #5, that individual #4 (an individual with no connection to this case) goes by "Mel," but that neither individual #4 nor individual #5 had anything to do with the robbery. Based on my training and experience, and for the reasons described above, I believe MORRISON did not share this information with law enforcement to disguise his own involvement in the robbery and to protect Miller.

⁴ According to one of the victimized Aqueduct clerks, the heavyset robber was doing all of the talking during the robbery. I have reviewed the Aqueduct Racetrack surveillance video and observed that Miller was noticeably heavier than Co-Conspirator-1.

WHEREFORE, your deponent respectfully requests that the defendant
LAFAYETTE MORRISON be dealt with according to law.



STEVEN SAINT HILAIRE
Detective/Task Force Officer
NYPD/ATF Joint Robbery Task Force

Sworn to before me this
15th day of June, 2020



THE HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK